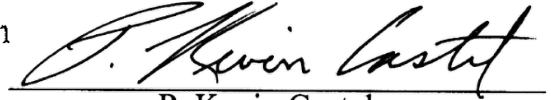


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Application granted.
SO ORDERED.
Dated: 12/4/2020


P. Kevin Castel
United States District Judge

December 4, 2020
VIA ECF
Hon. P. Kevin Castel
United States District Court Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

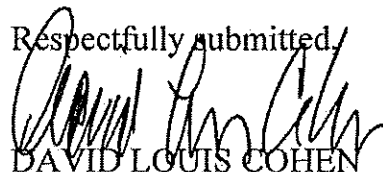
Re: United States v, Grasso, et al.
20 CR 163 (S4) (PKC)

Dear Judge Castel:

I represent Richard Banca in the above entitled matter, and respectfully request that the Court, pursuant to 10(b) of the Federal Rules of Criminal Procedure, permit Mr. Banca to waive his personal appearance at the arraignment and initial conference scheduled for December 7, 2020. Attached as Exhibit A is a duly executed Waiver of Appearance. The Government has no objection to this request.

I have provided Mr. Banca with a copy of the superceding indictment, discussed it with him and he has authorized me to enter a plea of not guilty on his behalf.

Mr. Banca resides in Middletown, New York. Based upon the on going COVID 19 pandemic, and the restrictions on entry to the Southern District Courthouse, I request that the Court permit Mr. Banca to waive his appearance on December 7, 2020, and that he and I be permitted to appear telephonically.

Respectfully submitted,

DAVID LOUIS COHEN

DLC:om

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
UNITED STATES OF AMERICA,

-against-

20 CR 163 (S4) (PKC)

WAIVER OF APPEARANCE
AT ARRAIGNMENT

LOUIS GRASSO, et al.,

Defendants
-----X

I, Richard Banca declare and affirm as follows:

1. I am a defendant in the above entitled matter and hereby waive my right to be present at my arraignment and initial conference on the superceding indictment. I have been advised by my attorney that I have a right to be present, have the indictment read to me if I wish, and to enter a plea of either guilty or not guilty before the Court.
2. I have received a copy of the superceding indictment, read it and discussed it with my attorney. I do not need to have the Court read the indictment to me. After consultation with counsel, I enter a plea of not guilty.
3. I have been advised by my attorney that issues such as scheduling and a determination as to the applicability of the Speedy Trial Act will be discussed at the initial conference. I waive my right to be physically present at the conference and consent to appear telephonically.



RICHARD BANCA



DAVID LOUIS COHEN
Counsel for Richard Banca